

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation**

This Document Relates To:

**Orange County Water District v.
Atlantic Richfield Co., et al.
(Case No. 04-4968)**

**Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88**

**DEFENDANT 7-ELEVEN, INC.'S
NOTICE OF MOTION AND
MOTION FOR ORDER
DETERMINING GOOD FAITH
SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on _____, 2011, at _____ a.m./p.m., or a date and time determined by the Court, at the Courthouse located at 500 Pearl Street, New York, New York 10007, Defendant 7-Eleven, Inc. ("7-Eleven") will move this Court for (1) an order determining that the Settlement Agreement and Release between Plaintiff and 7-Eleven (Exhibit A to the Declaration of Michael A. Walsh) is a good faith settlement pursuant to California Code of Civil Procedure §§ 877 and 877.6; (2) entry of judgment under Fed. R. Civ. P. 54(b); and (3) such other relief that the Court deems just and proper.

This motion is based upon the grounds that the settlement described above was entered into in good faith and is within the "reasonable range" of the settling defendant's proportional share of comparative liability, if any, and that, accordingly, 7-Eleven is entitled to an order determining the good faith of the settlement pursuant to California Code of Civ. Proc. §§ 877 and 877.6 and entry of judgment under Fed. R. Civ. P. 54(b).

7-Eleven's motion is based on this notice of motion and motion for order determining good faith settlement, the accompanying memorandum of points and authorities, the

accompanying declarations of Michael A. Walsh and Duane C. Miller, and any further documents or pleadings that may be presented at or before the hearing on this motion.

Dated: January 18, 2011

Respectfully submitted,



MICHAEL A. WALSH

(MW 2534)

michael.walsh@strasburger.com

COURTNEY JONES KIEFFER

(CK 3714) (pro hac vice)

courtney.jones.kieffer@strasburger.com

JADD F. MASSO

(JM 4934) (pro hac vice)

jadd.mass@strasburger.com

STRASBURGER & PRICE, LLP

901 Main Street, Suite 4400

Dallas, Texas 75202-3794

Telephone: 214-651-4300

Facsimile: 214-651-4330

ATTORNEYS FOR DEFENDANT

7-ELEVEN, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via LexisNexis File and Serve upon all counsel of record on January 18, 2011.



MICHAEL A. WALSH